

CHAPTER 275-C (Excerpt)

GOVERNOR'S COMMISSION ON DISABILITY

Committee on Architectural Barrier-Free Design

Section 275-C:10

275-C:10 Definitions. – As used in this subdivision:

I. "Architectural barriers" mean physical attributes of buildings and facilities which by their presence, absence, or design present unsafe conditions or deter access and free mobility for persons with disabilities in and around buildings and facilities.

II. "Buildings and facilities" means all buildings, facilities, appurtenant grounds and curbs which are used or to be used by the public and the cost of the construction, rehabilitation, or substantial remodeling of which is to be paid for, in whole or in part, by federal, state, county or municipal funds.

III. "Disabled" means having a temporary or permanent impairment or condition which causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person is insecure or exposed to danger; or causes faulty coordination or reduces mobility, flexibility, coordination, or perceptiveness.

Source. 1977, 269:1. 1990, 140:2, III, X, eff. June 18, 1990.

Section 275-C:11

275-C:11 Permanent Committee for Barrier-Free Design Established. – There is hereby established a permanent committee of the commission, to be known as the committee on architectural barrier-free design. Such committee shall be appointed by the chairman, with the approval of the commission and shall consist of at least 11 members, a majority of whom shall be persons with a disability who have demonstrated an understanding of and commitment to architectural barrier-free design. One member shall be a representative of the interests of the building trades, one member shall be a registered engineer or architect, and the remaining members shall be ex officio members of the governor's commission, or their designees.

Source. 1977, 269:1; 545:5. 1985, 207:8. 1990, 140:2, I. 1992, 50:1, eff. June 12, 1992.

Section 275-C:12

275-C:12 Bylaws. – The permanent committee on architectural barrier-free design shall meet as soon as possible after appointment and elect one of its appointed members as chairman who shall serve for a term of 2 years and until a successor is elected. The committee shall meet not less than 6 times annually, and at such other times as may be designated by the chairman. Six members of the committee shall constitute a quorum at all meetings. The members and the chairman shall receive no compensation for their services, but may be reimbursed for necessary expenses out of any funds available to the governor's commission on disability for said purposes. Members of the committee may be dismissed by the governor for cause.

Source. 1977, 269:1. 1985, 207:10. 1990, 140:1, eff. June 18, 1990.

Section 275-C:13

275-C:13 Staff and Consultants. – The committee may utilize the staff of the governor's commission on disability and personnel from any other agency or department, with the consent of the executive director of such agency or department, to enable it to discharge its responsibilities and powers under this chapter.

Source. 1977, 269:1. 1985, 207:10. 1990, 140:1, eff. June 18, 1990.

Section 275-C:14

275-C:14 Duties. – The committee on architectural barrier-free design, in furthering the purposes of this subdivision to ensure that buildings and facilities are accessible to and functional for persons with disabilities through the elimination of architectural barriers, shall:

I. Establish, publish, and enforce a code for barrier-free design, covering all buildings and facilities whose construction, rehabilitation, or substantial remodeling begins at any time after a reasonable time following promulgation of the code, which shall be at least as restrictive as the American National Standards Institute Specifications, as modified, and which shall be regularly amended so as to reflect technological advances, research evidence, and the changing needs of persons with a disability.

II. Adopt such rules under RSA 541-A as may be necessary to enforce the provisions of this subdivision and the code for barrier-free design.

III. Hold public hearings prior to the adoption of any rules by the committee in accordance with RSA 541-A.

Source. 1977, 269:1. 1985, 207:9, 10. 1990, 140:2, I, III, eff. June 18, 1990.

Section 275-C:15

275-C:15 Powers. – The committee on architectural barrier-free design shall:

I. Conduct studies, hold hearings, administer oaths, issue subpoenas, publish reports, and recommend legislation to implement this subdivision;

II. Receive, process, and review complaints from any person alleging a violation of the code;

III. Issue cease-and-desist orders that enjoin an owner, an owner's agent, or a lessee-in-possession from further construction or use of buildings and facilities, until compliance with the code for barrier-free design. To compel obedience to such orders, the committee on architectural barrier-free design shall petition the superior court for the county in which the party sought to be enjoined is principally located. Upon satisfying itself that the order of the committee was within its jurisdiction to issue and that there is substantial evidence on the record considered as a whole to support the finding of the committee, the superior court shall issue its order.

IV. Except as provided in paragraph V, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design where, upon a clear and convincing showing, a compelling public interest is deemed to outweigh the state's interest in removing architectural barriers.

V. With respect to construction projects subject to the provisions of RSA 155:39-d, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design upon good cause shown.

Source. 1977, 269:1. 1979, 75:3. 1985, 207:10. 1990, 170:2, 3, eff. July 1, 1990.

Section 275-C:16

275-C:16 Official Noncompliance. – It shall be unlawful for any state or local authority who reviews building plans prior to their approval for construction or for any building inspector to knowingly and willingly approve the construction or opening of any building or facility which is not in compliance with the code of barrier-free design, unless such building or facility had received a valid waiver from the committee on architectural barrier-free design.

Source. 1977, 269:1. 1985, 207:10, eff. May 31, 1985.

Section 275-C:17

275-C:17 Penalty. – Notwithstanding RSA Title LXII, failure to comply with any provision of this subdivision or any rule or regulation issued thereunder shall be punishable by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than 30 days, or both.

Source. 1977, 269:1, eff. Aug. 21, 1977.

Section 275-C:18

275-C:18 Severability. – If any provision of this subdivision or the application of such provision to any person or circumstances is held invalid the remainder of this subdivision or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Source. 1977, 269:1, eff. Aug. 21, 1977.